

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED 12
APR 22 2025
CLERK'S OFFICE
DETROIT

DERRICK LEE CARDELLO-SMITH,
Plaintiff,

Case No. 5:24-cv-12647

SEAN COMBS,
Defendant,

Honorable Judith E. Levy

**PLAINTIFF'S ANSWER TO DEFENDANTS RENEWED MOTION
FOR SANCTIONS AND TO STRIKE**

Plaintiff, having been provided with the DEFENDANTS RENEWED MOTION FOR SANCTIONS AND TO STRIKE, and having considered the contents of the Defendants Motion that was filed through his counsel, hereby files this Answer to the Defendants Renewed Motion for Sanctions and States the following grounds and counter-arguments, why it should be denied and dismissed.

COUNTER-ARGUMENTS

1. No, the Court should NOT exercise its inherent authority to enjoin the plaintiff from further filings in this district, absent prior permission, because Plaintiff will always seek permission and will only file what is authorized by Court Rules and Law, such as this answer to the defendants Motion, which is rightfully allowed by the Plaintiff since it is a result of the Defendants Filing a Motion requiring an answer.

2. No, the Court should not grant any pre-filing restrictions under the All Writs Act, because it would clog the court up more with pleadings and documents because the Plaintiff will most certainly ask for permission and will most certainly comply fully with it, and it will be in good faith.

3. No the Court should NOT STRIKE ANY POST-JUDGMENT FILINGS FROM THE DOCKET because that will CAUSE MORE WORK FOR THE CLERK and IT WILL IN FACT PLACE THE COURT IN THE POSITION OF RULING IN FAVOR OF THE DEFENDANT WITHOUT A TRIAL AND WITHOUT THE PLAINTIFF PRESENT ALL CONTRARY TO THIS PLAINTIFFS RIGHTS OF ACCESS TO COURTS AND THE CONSTITUTIONAL RIGHT TO A JURY TRIAL AND A FAIR TRIAL BY AN UNBIASED AND IMPARTIAL TRIER OF FACT and if the court grants the defendants motion, it will be ruling on EVIDENCE WITHOUT A HEARING OR A TRIAL AND WITHOUT THE PLAINTIFF OR THE PEOPLE WHO HAVE ATTESTED TO THE FACTS BEING GIVEN A CHANCE TO BE HEARD IN COURT.

FURTHER ARGUMENTS WITH MORE DETAILS:

1. I Completely reject the Defendants Motion entirely

because it is all built and based on Fraud and Lies told by the Defendant and told by the Defendants Attorney's to this Court.

2. Plaintiff has in fact followed and adhered to every single condition that this court has issued and adhered to and followed every word of this Courts warnings to this Plaintiff and has not violated any condition or any filing that this court has issued.

3. Plaintiff has properly and correctly filed everything that the Federal Rules of Civil Procedure allow and Plaintiff has also done everything in GOOD FAITH and has not filed anything that is frivolous and in fact, Plaintiff has adhered to entirely what the Court Rules allow.

4. Plaintiff filed the Notice of Intent to Seek Reconsideration of the Courts order granting the Motion to Dismiss, because the Plaintiff had a right to reconsideration of the Courts Decision.

5. The Defendants in the very first filing of this case to the federal Court filed a NOTICE OF REMOVAL, so for them to say that the Plaintiff cannot properly and effectively pursue the same filings under 'Notice' is simply laughable and quite frankly, hypocritical and is itself a waste of this courts time.

6. Plaintiff properly filed 3 Motions for Injunction, of which 23 were deemed MOOT and Therefore, NOT FRIVOLOUS, DUPLICATIVE OR VEXATION and not subject to the Grounds and arguments the Defendants have presented. The Third one the plaintiff filed is NOT DUPLICATIVE and is just an assurance that the Court actually receives it and since the Plaintiff has a history of the Prison Mailroom Staff Interfering with this Plaintiff's Outgoing and Incoming mail, Plaintiff mailing additional copies is just the Plaintiff's assurance that the court does get it.

7. Plaintiff REJECTS FULLY the Defendants claims that the Plaintiff's Affidavits are FORGED and States that the Defendants have tried to become TRIERS OF FACT and ACT AS JURY AND JUDGE when they made their own determination as to the Affidavits when in fact, ONLY A JURY or the Court can make this Determination at an EVIDENTIARY HEARING and as such, the Defendants Claims are ABSURD and FALSE and MOST ASSUREDLY, THEY ARE THEMSELVES LYING, especially given the fact that the Defendant has made his own false statements that were proven false when he said that he "NEVER BEAT CASSIE VENTURE and then video emerges of HIM BEATING CASSIE VENTURA and then HE ADMITS it, so for the defendants Attorneys to say that this Plaintiff's affidavits are false is Ludacris when their own client has himself lied in his own affidavits and his own statements.

8. Plaintiff further states that the ONLY WAY TO FULLY CONFIRM THAT THE AFFIDAVITS ARE TRUE is to HAVE THE COURT CONDUCT AN EVIDENTIARY HEARING AND ALLOW TESTIMONY TO THE AFFIDAVITS THEMSELVES and FROM THE PERSON ATTESTING and not just to Have David Fink and Other Attorneys employed by a SELF PROFESSIONED LIAR say that they are forged.

9. Plaintiff has in fact stated that these claims are not frivolous.

Plaintiff even further states that the Affidavit the Plaintiff has provided is what was provided to the Plaintiff from Andrea Sommarito and It is Andrea Sommarito who should appear before the Court to offer testimony and perhaps.

10. Plaintiff even further states that Perhaps Andrea Sommarito was so shocked by the events and the Notary was shocked by the events that they actually placed the wrong date on it, considering that sometimes there actually are 29 days in February, for that to me a handwritten mistake IT DOES NOT LESSEN THE TRUTH OF VERACITY OF THE ACTUAL AFFIDAVIT and ONLY ANDREA SOMMARITO can in fact, Attest to it and ONLY THE NOTARY PUBLIC CAN ATTEST TO IT, only they can and even a mistake does not change the truth.

11. Plaintiff properly filed the MOTIONS TO VACATE UNDER RULE 60 as it is allowed and Plaintiff has in fact, followed those laws and those rules and has not done anything to circumvent the rules and Plaintiff states that Plaintiff has FULLY FOLLOWED AND ADHERED TO ALL THE RULES and HAS NOT DONE ANYTHING WRONG and has not broken any instructions of this Court or court rule and most certainly, the Plaintiff should not be SANCTION and BE LISTED AS A RESTRICTED FILER SIMPLY BECAUSE THE DEFENDANTS DO NOT WANT THE TRUTH ABOUT THEIR CLIENT BEING TOLD as it has been by this Plaintiff.

12. Plaintiff even further states that the Defendants have ALTERED and/or FORGED THE AFFIDAVIT of ANDREA SOMMARITO and Plaintiff believes that they had their FRIENDS and ASSOCIATES OF THEIR CLIENT WHO ARE WORKING IN THE MDOC DO IT and as such, it is the Plaintiff's claim that David Fink has Altered the documents that this Plaintiff sent by using his connections in the MDOC to do his dirty work on behalf of Defendant Combe.

13. I am Re-Submitting the Correct Affidavit that the Defendants somehow altered because they know the Plaintiff does not have access to Electronic filing and ALL OUTGOING LEGAL MAIL TURNED IN BY PLAINTIFF MUST BE LEFT IN AN OPEN ENVELOPE and that allow them and their connections in the MDOC to alter it and then make it appear as though the Plaintiff has filed it, as is being done in this case.

14. Plaintiff states that the grounds raised by the defendants for entering and imposing filing restrictions is absolutely idiotic and should be denied by this court as IT WAS PROPERLY ENTERED TO BEGIN WITH WHEN THE COURT DENIED THE DEFENDANTS MOTIONS FOR SANCTIONS AND GRANTED THEIR MOTION TO DISMISS.

15. if the defendants are stating that the Court was wrong in not granting filing restriction on the plaintiff when it entered the order on January 22, 2025, then the plaintiff would say that the ENTIRE ORDER OF DISMISSAL MUST BE VACATED AND ORAL ARGUMENTS SCHEDULED ON THIS MATTER because it is simply the defendants own actions that have led to the Actions of this Plaintiff, and also, NONE OF THIS WOULD BE BEFORE THIS COURT HAD THE DEFENDANTS NOT FILED IT BEFORE THIS COURT, this entire action and all the actions taken are THEIR OWN FAULT

and the FAULT OF THEIR CLIENT WHEN HE RAPED THIS PLAINTIFF and then hid it and locked the Plaintiff up in 1997, so they most certainly cannot FAULT THIS PLAINTIFF FOR FIGHTING THEIR ACTIONS and for CONTINUING THE FIGHT as the Plaintiff will continue the fight.

On page 3 of the defendants renewed motion, they cite 5 reasons, all of which this Plaintiff states must be rejected by the Court as that, Plaintiffs history of litigation while intense, was NEVER ONCE EVER DEEMED AS HARASSING OR VEXATIOUS OPENLY BY A REVIEWING JUDGE and only consisted of the plaintiffs bringing forth violations of this plaintiffs rights by the defendants and their insane actions on this Plaintiff in those cases, some of which were even settled out of court resulting in dismissals, PLAINTIFF HAS GOOD FAITH IN EVERY FILING and in EVERY CASE AND PAID THE FILING FEES FULLY TO IN FACT PREVAIL, NO MATTER WHAT THE FINANCIAL COST WAS, PLAINTIFF SOUGHT TO PREVAIL because Plaintiff believed in the actions filed by plaintiff, and PLAINTIFF ALWAYS TOLD THE TRUTH, UNLIKE THE DEFENSE COUNSEL'S CLIENT SEAN COMBS WHO IS AN OPENLY ADMITTED LIAR.

16. Plaintiff has and always has been Pro Se representing myself in State and Federal Court, because I am a believer in ALL OF MY CAUSES and because the DEFENDANTS IN EVERY CASE I FILED, CHOSE TO VIOLATE ME AND MY RIGHTS AND I AM ABLE TO FIGHT MYSELF IN COURT, and therefore, I have never had counsel and also, IN ALMOST EVERY CASE, I HAD ASKED FOR COUNSEL AND IT WAS DENIED BY THE REVIEWING JUDGES BECAUSE THEY SAID THAT "PLAINTIFF IS CAPABLE OF REPRESENTING HIMSELF." so there was no need for counsel, and this court must take that into consideration because to punish this plaintiff when reviewing judges have elected to allow me to represent myself is simply wrong and not what the court can or should do with all due respect.

17. Plaintiff further states that the Plaintiff again has only filed those things that are allowed under law and court rule and what is rightfully within the plaintiffs access to courts and has not filed anything that is not done in good faith, even this filing is done in good faith and in fact IT WOULD NOT BE ON THE COURT RECORD and THE CLERKS WOULD NOT HAVE TO FILE IT IF THE DEFENDANTS HAD NOT FILED THEIR RENEWED MOTION FOR SANCTIONS, OBVIOUSLY I AM GOING TO RESPOND TO IT because I cannot let the defendants lawyers lies just to be heard and allowed on the record without my own response being heard to this court and with this court.

It should also be noted that the Defendant has literally bragged about his being a BILLIONAIRE so it is shocking how David Fink can say that I have cause needless expenses to other parties or an burden on the court, when he has quite literally MADE THOUSANDS OF DOLLARS OFF SEAN COMBS, and is going to continue making money on this matter because of his FRIVOLOUS MOTIONS THAT HE HAS FILED.

18. Plaintiff does not have a HISTORY OF VEXATIONS LITIGATION and has NOT ABUSED THE JUDICIAL PROCESS and HAS NOT HARASSED THE OTHER PARTY..Especially when the other party is

the one who RAPED THIS PLAINTIFF.

19. the Court should NOT IMPOSE ANY ORDER TO STRIKE ANY POST-JUDGEMENT PLEADINGS BECAUSE, THAT WOULD BE SHOWING BIAS AND PARTIALITY TO ONE SIDE and the ONLY THING THAT THIS COURT HAS EVER DECIDED WAS THAT THE TIME LIMITS HAVE EXPIRED, THE COURT HAS NEVER MADE A DECISION THAT THE PLAINTIFF WAS NOT RAPED BY THE DEFENDANT and to STRIKE ANY POST JUDGEMENT PLEADINGS RELATED TO EVIDENCE OF DEFENDANTS GUILT and this PLAINTIFF BEING RAPED WITHOUT A TRIAL BY JURY OR BY THE COURT, WILL IN FACT BE ALL BASED ON LIES AND WILL IN FACT BE DOING IT WITHOUT THE PLAINTIFF PRESENT and most certainly, the Court would not be GRANTING EVIDENCE IS STRIKEN FROM THE RECORD WITHOUT A FULL DETERMINATION ON THE EVIDENCE ITSELF? Plaintiff is certain that the Court is not going to render a decision on the GUILT OR INNOCENCE OF THE DEFENDANT WITHOUT A HEARING OR A TRIAL, and as such, these pleadings should ALL REMAIN ON THE COURT RECORD.

19. Plaintiff further states that the Defendants Motion for Pre-filing restrictions should be denied and all the documents filed should remain on the court record because PLAINTIFF HAS NOT DONE ANYTHING WRONG AND HAS FILED EVERYTHING ACCURATELY AND TRUTHFULLY and most importantly, IT IS AND HAS BEEN DONE IN GOOD FAITH and will always be done in GOOD FAITH.

20. Plaintiff further states that this Court can resolve the entire matter by conducting a hearing and allowing testimony of the People in the affidavits and to have these people present their arguments openly to the Court in a Closed-Session and to allow the truth to be told and the court will see that in fact, Defendant Sean Combs Lawyers are lying themselves and have in fact, done so for the purpose of ensuring that this Plaintiff is not given the truth as the Plaintiff has given the Truth to this Court as Simple hearing for testimony will prove the Plaintiffs Claims are in fact true and that the Defendant and his Lawyers are liars and not properly doing the correct job in representing their client and most certainly, in ensuring that this court has the TRUTH BEFORE IT, as the Plaintiff is working on doing right now at this time.

21. IT SHOULD BE NOTED THAT THE SIGNING OF THE 29TH COULD ALSO BE A MISTAKEN DATE OF THE 24TH, so obviously it could be a 4 shaped as a 9, and that the defendants actually have either lied to this court, misrepresented it to the court, or done something to simply make their lie outweigh the plaintiffs truth.

22. Plaintiff has no money and plaintiff simply states that I was Robbed of \$150,000.00 back in 1997 by Defendant Combs, And Raped by Defendant Combs, then, I sued Defendant Combs and won against defendant Combs, then his Lawyers, David Fink and the MDCC aided Mr. Combs in Taking that Judgment from me for both cases and then, I am forced to relive it all over again, the rape and theft by defendant Combs, through his Lawyer. Then, When I am given proof of the truth, by the witnesses, I am again Psychologically and Emotionally raped again, by Defendant through his Lawyer, David Fink and his Associates,

who are only interested in one thing, KEEPING THE MONEY THEY EARNED BY TELLING LIES and TRYING TO STOP THIS PLAINTIFF FROM ACCESSING THE COURTS, well, I say no and I ask this court not to allow the defendants form having the truth heard and to DENY THEIR RENEWED MOTION FOR SANCTIONS and to in fact, ALLOW FURTHER PROCEEDINGS ON THE MERITS OF THE MOTIONS THAT ARE PENDING and just in case, Plaintiff will comply fully with any pre-filing restrictions by ensuring that the Plaintiff sends a Copy of this one, Just in fact the Court enters a decision on this Motion prior to it getting this Answer to the Defendants Renewed Motion, not to Clog the Court Docket, but to ensure full compliance with what the Court seeks and to respect this Court, because while the Court and Defendant enjoys Electronic Filing, Plaintiff has to rely upon the Defendants Associates and U.S. Postal Service, for getting documents to the court and to make sure that it is not lost in the mail and to ensure the court has everything necessary to consider the full record.

Plaintiff therefore asks this Court to Deny the Defendants Renewed Motion as Harassing, Vexacious and Frivolous, because of the fact that this Plaintiff has not filed anything that is not allowed and nothing that is outside of FRCP and is in fact, ensuring that every document is on the record and decided before the Plaintiff goes to the United States Court of Appeals for the Sixth Circuit, as the District Court must decide every motion and issue before it gets to the Court of Appeals and that is why the Plaintiff has filed what the Plaintiff has filed, because the Plaintiff believes that he will be successful on appeal and does not want to clog the court or its docket up with more filings without the Court hearing everything now instead of winning and then having to decide it later, it is only right to present all the facts first and then have everything heard before it gets to the higher court and plaintiff most assuredly will not be punished for ensuring the trial court has everything on its record prior to the full appeal taking place correct?

With that being said, Plaintiff asks this Court to Deny the Defendants renewed Motion as Moot because it has already been decided and to allow the plaintiff the right to full review on the merits of the claims presented and to allow this matter to move forward on its own merits.

RELIEF SOUGHT

Wherefore Plaintiffs preys this Court will, Deny the Defendants Renewed Motion as Moot, or Re-open the entire Case, Deny their Motion for Pre-Filing restrictions, Deny their request for having all post-judgment motions stricken from the record and Grant the Affidavit is Admitted into the Record and Grant any further relief this Court deems necessary and appropriate.

Respectfully Yours,





Mr. Derrick Lee Cardello-Smith
#267009

Plaintiff in Pro Per
Ionia Bellamy Creek Correctional Facility
1727 W. Bluewater Highway
Ionia, MI 48846

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE CARDELLA-SMITH,
Plaintiff,

Case No. 5:24-cv-12647

SEAN COMBS,
Defendant,

Honorable Judith E. Levy

PLAINTIFFS SUBMISSION OF THE TRUE AFFIDAVIT OF ANDREA SOMMARITO
NOT THE ONE THAT DEFENDANT'S LAWYERS AND ASSOCIATES PLACED IN THE
ENVELOPES THAT WAS OPEN WHEN GIVEN TO MDOC FOR MAILING

Plaintiff now submits the TRUE AFFIDAVIT OF ANDREA SOMMARITO to this Court because the Defendant and his Associates have Paid and Manipulated the MDOC Mailroom Staff to alter the one sent and have interfered with this Plaintiff's due process rights long enough and have taken so many steps to ensure that this Plaintiff does not get his case heard properly and have worked with MDOC, Defense Lawyers and Defendant to Lie to this court in order to Make the Court Believe that the Plaintiff is the Lier.

Plaintiff states that a Simple hearing requiring the Sworn Persons to Come to Court and attest to the affidavits will in fact prove this plaintiff's claims.

Please place this matter on the court record.

April 14, 2025

Respectfully Yours,

Mr. Derrick Lee Cardella-Smith
#267009

Plaintiff in pro per
Ionia Ballamy Creek Correctional Facility
1727 W. Bluswater Highway
Ionia, MI 48846

State of Michigan)
)ss
 County of Oakland

**AFFIDAVIT OF ANDREA BOMARITTO
AS TO MY FALSE CHARGE OF RAPE ON ORDERS OF SEAN COMBS**

My name is Andrea Bomaritto. I state the following is true and I will attest to them in an open court of law be it criminal or civil;

1. I am the Criminal Complainant in the Case of People of the State of Michigan vs Derrick Lee Cardello-Smith, 2008-000639-01-FC.

2. I state that I provided testimony that is in fact false.

3. I Lied under oath in the 36th District Court and in the Wayne County Circuit Court when I said that Derrick Lee Cardello-Smith #267009 Kidnapped me and Sexually Assaulted me.

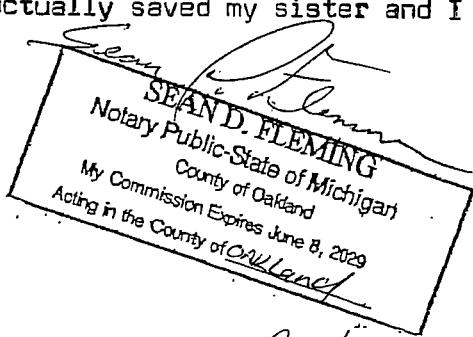
4. The purpose of my false testimony in January 2008 and June 2008 is because--A. I was paid by Suzette Samuels, assistant Prosecutor for Wayne County to Lie, B--I was paid \$10,000.00 To say Cardello-Smith Kidnaped and raped me, C--I was given this Money from Kym 1. Worthy, Wayne County Prosecutor, David Cobb, Sgt. Detroit Police Department.

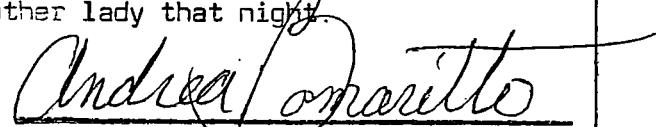
4.. I worked directly for Sean Combs of Bad Boy Records and I was actually a Young Victim of Sean Combs and he sexually assaulted me used me sexually for trade with other officials in Detroit, Michigan and throughout other counties in Michigan and Forced me to lie and say that Derrick Lee Cardello-Smith Sexually Assaulted me when he did not.

5. Suzette Samuels, and Kym 1. Worthy of the Wayne county Prosecutors Office paid me to Lie and paid my Sister to lie and say that Derrick Lee Cardello-Smith Sexually Assaulted us both and each individually when this is not true and is based on a terrible amount of lies. I will speak this truth because he is innocent and should not be in prison.

6 I was paid directly by Sean combe of Bad boy Records in November 2007 to bring false Rape Charges against Co-Bad Boy and Bartender Derrick lee Cardello-Smith #267009 and It was on orders of Sean Combs, Kym 1. Worthy. the Chief Wayne County Prosecutor, Suzette Samuels, Assistant Wayne County Prosecutor, and many other officials in Law Enforcement throughout the Bad Parts of Detroit.

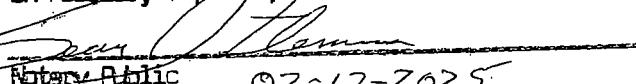
7. The purpose for this false charge by me, was to Get Derrick out of the Way of Sean Combs, David Cobb, Kym Worthy, and other people because Derrick refused to Commit a Murder for David Cobb, and he actually saved my sister and I and another lady that night.




Andrea Bomaritto

Mrs. Andrea Bomaritto
13157 Rosedale Street
Southgate, MI 48195
Tel (586)-754-8759
A.Bomaritto@G.Mail

On February 17, 2025, Andrea Bomaritto, did appear before and being deposed and sworn to the above.


Notary Public

02-17-2025

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE CARDELLA-SMITH,
Plaintiff,

Case No. 5:24-cv-12647

SEAN COMBS,
Defendant.

Honorable Judith E. Levy

PLAINTIFFS REQUEST FOR THE COURT TO DIRECT
DEFENDANTS ATTORNEY DAVID FINK OR DEFENDANT
TO PROVIDE THE PLAINTIFF WITH A COPY OF
DEFENDANTS ANSWER TO PLAINTIFFS MOTION TO VACATE
BECAUSE PLAINTIFF HAS NOT BEEN GIVEN ONE

Plaintiff, having been informed by an outside source that the Defendants Attorney of Record has filed Several others Answers, Responses and Documents in the past 50 days, and Plaintiff, has only been given the Defendants Renewed Motion for Sanctions and to Strike.

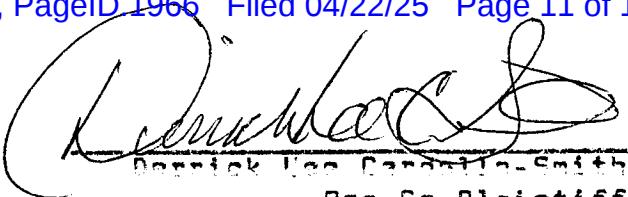
Plaintiff therefore has not been given anything by the defendants as of the date and time of this mailing and requests that this Court direct the Defendant and His Attorneys of record to ensure that the Plaintiff is provided with a Copy of anything that they have filed in this court and all documents attachments and pleadings excluding the Defendants have filed in the past 50 days to ensure that the Plaintiff has not been manipulated by the Defendant, Defendants Lawyers or anyone else, and in fact, Plaintiff has never been given the paper copies of any responses that have been filed by the defendants as of the date of this filing and Plaintiff has a right to have these documents presented to the Plaintiff and Plaintiff now asks this court to direct the Defendant and his Lawyers to ensure that Plaintiff has been given their RESPONSES TO THE PLAINTIFFS RULE 60 MOTION TO VACATE and ALL DOCUMENTS WITH IT and that they are given time to be responded to by the Plaintiff.

RELIEF SOUGHT

Wherefore, plaintiff prays this court will instruct the Defendants to provide the Plaintiff with 1 paper copy of everything that has been filed by them in the District Court, for the past 50 days out of fairness and equality, excluding the Defendants Renewed Motion for Sanctions, and that it is sent to the Plaintiff at Tonic Bellamy Creek, and any other relief it deems necessary.

April 14, 2025

Respectfully Yours,



Derrick Lee Cannella-Smith
Pro Se Plaintiff
#267000

Tensie Bellamy Creek Correctional Facility
1727 M. Blisuetar Highway
Tensie, MT 59846

Mr. Derrick Lee Cardillo-Smith
#267009
Tonic Bellamy Creek Correctional Facility
1727 W. Bluestetter Highway
Tonia, MI 48846

FIRST-CLASS



US POSTAGE ATTORNEY BOWES
\$ 002.04⁰
ZIP 48846 02 7W
0008038260 APR 15 2025

Mailed on 4-14-25
Case # 5:24-cv-12647
United States District Court
Theodore Levin US Courthouse
Case Processing Section-Room 564
231 W. Lafayette Blvd
Detroit, MI 48226

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